

TENTATIVE RULINGS

FOR: April 5, 2012

Please note that the court will strictly enforce filing deadlines for papers filed in support of and in opposition to law and motion matters, and may exercise its discretion to disregard a late filed paper, pursuant to California Rules of Court, rule 3.1300(d).

When calculating filing deadlines for papers to be filed within a certain number of court days from a hearing date, parties should exclude court holidays.

Court Reporting Services - As a result of statewide budget reductions, official court reporters are no longer provided by the Court in proceedings for which such services are not legally mandated. These proceedings include civil law and motion matters. If counsel wish to have the hearing on their civil law and motion matter reported, they have two options:

- Elect to use the services of a private local court reporter that the Napa County Bar Association has arranged to be present for the duration of all scheduled law and motion hearing calendars. There is a fee paid by the party directly to the court reporter for this service, and arrangements for payment can be made on the day of the hearing. For further information about the Bar Association program including fees, [click here](http://napacountybar.org/court_reporting.php) (http://napacountybar.org/court_reporting.php)
- Arrange for a private court reporter of their choosing to be present.

Attorneys or parties should confer with each other to avoid having more than one court reporter present for the same matter.

CIVIL LAW & MOTION – Dept. C (Historic Courthouse)

Midland Funding v. Hill

11CV00471

1) PLAINTIFF’S MOTION TO COMPEL RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

TENTATIVE RULING: Plaintiff’s unopposed motion to compel production of documents is GRANTED. Within 10 days, defendant shall provide responses without

objection to plaintiff's Request for Production of Documents, set one. In addition, defendant shall pay discovery sanctions in the amount of \$250.

2) PLAINTIFF'S MOTION TO DEEM MATTERS ADMITTED AND FOR SANCTIONS

TENTATIVE RULING: Plaintiff's unopposed motion to deem matters admitted is GRANTED. The matters encompassed in plaintiff's Request for Admissions, set one, to which defendant has provided no response, shall be deemed admitted. In addition, defendant shall pay discovery sanctions in the amount of \$250.

Chandler v. Shifflett, et al.

26-52521

1) DEFENDANT ARTHREX CALIFORNIA, INC'S MOTION FOR SUMMARY JUDGMENT

TENTATIVE RULING: Plaintiff has filed a non-opposition to defendant's motion for summary judgment. The motion is, therefore, GRANTED as prayed. The court will execute the order in the form submitted.

2) DEFENDANT ARTHREX, INC'S MOTION FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION OF ISSUES

TENTATIVE RULING: Plaintiff has filed a non-opposition to defendant's motion for summary judgment or summary adjudication of issues. The motion is, therefore, GRANTED as prayed. The court will execute the order in the form submitted.

Soto v. Chase Home Finance LLC

26-50251

HEARING ON PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

APPEARANCE REQUIRED

Bandt v. Walmart Store

11SC00348

DEFENDANT'S MOTION FOR ORDER QUASHING WRIT OF EXECUTION, LIFTING NOTICE OF LEVY AND RELEASING LEVIED PROPERTY

TENTATIVE RULING: Defendant's motion to quash the writ of execution issued on March 7, 2012, lifting notice of levy and releasing levied property is GRANTED.

As established by the evidence submitted in support of the motion, on March 12, 2012, defendant issued a check to plaintiff for the full amount of the judgment entered on January 13, 2012. Apparently, plaintiff chose not to cash the check, because she wanted it issued as a cashier's check rather than a bank check. Instead, she obtained a writ of execution, pursuant to which the levying officer collected \$182 from defendant's store on Lincoln Avenue in Napa. Plaintiff has provided no authority for her position that she is entitled to a cashier's check. Because defendant has paid the judgment in full, the writ of execution is ordered quashed, the notice of levy is lifted, and the sum of \$182 currently in the levying officer's possession is ordered returned to defendant.